



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 28 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Hartman
Universal Electric Foundry
1523 W. Hubbard Street
Chicago, Illinois 60642

Re: Administrative Consent Order

Dear Mr. Hartman:

Enclosed is an Administrative Consent Order which resolves Case Docket No. EPA-5-13-113(a)-IL-37.

Please direct any questions regarding this case to Catherine Garypie, Associate Regional Counsel, (312) 886-5825.

Sincerely,

Charles G. Hall for BHD

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-13-113(a)-IL-37
)	
Universal Electric Foundry)	Proceeding Under Sections 113(a)(3) and
Chicago, Illinois)	114(a)(1) of the Clean Air Act, 42 U.S.C.
)	§§ 113(a)(3) and 114(a)(1)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Universal Electric Foundry (UEF), under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (the "Act"), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Under Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources ("Foundry NESHAP") at 40 C.F.R. Part 63, Subpart ZZZZZ. The Foundry NESHAP applies to iron and steel foundries that are an area source of hazardous air pollutants (HAPs).

3. The Foundry NESHAP, at 40 C.F.R. § 63.10880(f), requires the owner or operator of each iron and steel foundry that is an existing affected source of HAP emissions to determine the initial applicability of the Foundry NESHAP by determining whether the facility is an existing small or large foundry, based on the tons of metal melted during calendar year 2008.

4. The Foundry NESHAP, at 40 C.F.R. § 63.10890(a), requires the owner or operator of a new or existing small affected source to comply with the pollution prevention management practices for metallic scrap and mercury switches in 40 C.F.R. § 63.10885 and binder formulations in 40 C.F.R. § 63.10886.

5. The Foundry NESHAP, at 40 C.F.R. § 10890(b), requires the owner or operator of a new or existing affected source classified as a small foundry to submit an initial notification of applicability.

6. The Foundry NESHAP, at 40 C.F.R. § 10890(c), requires the owner or operator of a new or existing affected source classified as a small foundry to submit a notification of compliance status.

7. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator may issue an order requiring compliance to any person who has violated or is violating the Foundry NESHAP regulations. The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

8. The Administrator may require any person who owns or operates an emission source to make reports, sample emissions, and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Regional Administrator who has delegated this authority to the Director of the Air and Radiation Division.

Findings

9. UEF owns and operates an iron and steel foundry as defined at 40 C.F.R. § 63.10906 at 1523 W. Hubbard St., Chicago, Illinois (the "Facility").

10. EPA conducted an inspection at the Facility on October 12, 2012.

11. On March 11, 2013, EPA issued an Information Request to UEF pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a).

12. UEF responded to EPA's Information Request on April 2, 2013 and provided information indicating that it is a small foundry under the Foundry NESHAP.

13. UEF has not submitted an initial notification of applicability, as required by the Foundry NESHAP at 40 C.F.R. § 10890(b).

14. UEF has not submitted a notification of compliance status for the pollution prevention management practices for metallic scrap specified in 40 C.F.R. § 63.10885(a), as required by the Foundry NESHAP at 40 C.F.R. § 10890(c).

Compliance Program

15. No later than sixty (60) days after the effective date of this Order, UEF must submit to EPA an initial notification of applicability as required by the Foundry NESHAP.

16. No later than sixty (60) days after the effective date of this Order, UEF must submit to EPA a notification of compliance status for the pollution prevention management practices for metallic scrap as required by the Foundry NESHAP.

17. UEF must send all reports required by this Order to:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

General Provisions

18. This Order does not affect UEF's responsibility to comply with other federal, state and local laws.

19. This Order does not restrict EPA's authority to enforce Section 112 of the Act or any other section of the Act.

20. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for UEF's violation of the Foundry NESHAP.

21. Failure to comply with this Order may subject UEF to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

22. The terms of this Order are binding on UEF, its assignees and successors. UEF must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

23. UEF may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If UEF fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

24. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

25. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

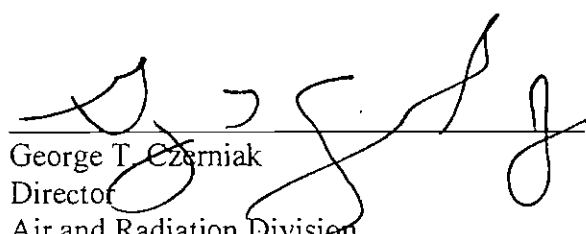
26. UEF agrees to the terms of this Order.

27. UEF waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that UEF may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under the CAA or Administrative Procedures Act, 5 U.S.C. §§ 500-596.


28. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that UEF has complied with all terms of the Order throughout its duration.

Date

6/28/13


George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency Region 5

6/24/13
Date


James Hartman
Universal Electric Foundry

CERTIFICATE OF MAILING

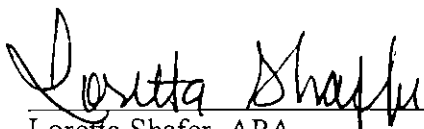
I, Loretta Shafer, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-IL-37, by certified mail, return receipt requested, to:

James Hartman
Universal Electric Foundry
1523 W. Hubbard St.
Chicago, IL 60642

I also certify that I sent a copy of the Administrative Consent Order EPA-5-13-113(a)-IL-37, by first-class mail to:

Ray Pilapil, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

On the 1 day of July 2013.



Loretta Shafer, APA
Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 0706